

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1173

Introduced by Senator Wyland

February 22, 2012

An act to amend Section ~~798.29~~ 798.49 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1173, as amended, Wyland. Mobilehomes: ~~ombudsman sign; rent control; government charges.~~

The Mobilehome Residency Law governs tenancies in mobilehome parks, and imposes various duties on the owners of mobilehome parks and the agents and representatives authorized to act on behalf of the owners. ~~Existing law requires the management to post a mobilehome ombudsman sign, as specified. Existing law requires a local agency of any city that administers an ordinance, rule, regulation, or initiative measure for rent control purposes to permit the management of a mobilehome park to separately charge a homeowner for certain fees imposed by specified public entities on the space rented by the homeowner, except as provided.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

This bill would additionally require a local agency described above to permit the management to separately charge a homeowner for a pro rata amount, as specified, of certain fees, assessments, or other charges imposed by governmental entities, on or after January 1, 2013, and any future increases of those fees, assessments, or other charges. The bill would provide that nothing in these provisions requires the management

to refund, reduce, or otherwise change any fees or charges billed to a homeowner as of December 31, 2012.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 798.49 of the Civil Code is amended to*
2 *read:*

3 798.49. (a) Except as provided in subdivision (d), the local
4 agency of any city, including a charter city, county, or city and
5 county, which administers an ordinance, rule, regulation, or
6 initiative measure that establishes a maximum amount that
7 management may charge a tenant for rent shall permit the
8 management to separately charge a homeowner for any of the
9 following:

10 (1) The amount of any fee, assessment or other charge first
11 imposed by a city, including a charter city, a county, a city and
12 county, the state, or the federal government on or after January 1,
13 1995, upon the space rented by the homeowner.

14 (2) The amount of any increase on or after January 1, 1995, in
15 an existing fee, assessment or other charge imposed by any
16 governmental entity upon the space rented by the homeowner.

17 (3) The amount of any fee, assessment or other charge upon the
18 space first imposed or increased on or after January 1, 1993,
19 pursuant to any state or locally mandated program relating to
20 housing contained in the Health and Safety Code.

21 (4) *The pro rata amount, based on the total number of spaces*
22 *in the park, of any fee, assessment, or other charge first imposed*
23 *by a city, including a charter city, a county, a city and county, the*
24 *state, the federal government, or by voter approval on or after*
25 *January 1, 2013, on any parcel upon which the mobilehome park*
26 *is located, and any increase in that fee, assessment, or charge.*

27 (5) *The pro rata amount, based on the total number of spaces*
28 *in the park, of any fee, assessment, or other charge first imposed*
29 *pursuant to any state or locally mandated program relating to*
30 *housing contained in the Health and Safety Code on or after*
31 *January 1, 2013, on any parcel upon which the mobilehome park*
32 *is located, and any increase in that fee, assessment, or charge.*

(b) If management has charged the homeowner for a fee, assessment, or other charge specified in subdivision (a) that was increased or first imposed on or after January 1, 1993, and the fee, assessment, or other charge is decreased or eliminated thereafter, the charge to the homeowner shall be decreased or eliminated accordingly.

(c) The amount of the fee, assessment or other charges authorized by subdivision (a) shall be separately stated on any billing to the homeowner. Any change in the amount of the fee, assessment, or other charges that are separately billed pursuant to subdivision (a) shall be considered when determining any rental adjustment under the local ordinance.

(d) This section shall not apply to any of the following:

(1) Those fees, assessments, or charges imposed pursuant to the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), unless specifically authorized by Section 18502 of the Health and Safety Code.

(2) Those costs that are imposed on management by a court pursuant to Section 798.42.

(3) Any fee or other exaction imposed upon management for the specific purpose of defraying the cost of administration of any ordinance, rule, regulation, or initiative measure that establishes a maximum amount that management may charge a tenant for rent.

(4) Any tax imposed upon the property by a city, including a charter city, county, or city and county.

(e) Those fees and charges specified in subdivision (a) shall be separately stated on any monthly or other periodic billing to the homeowner. If the fee or charge has a limited duration or is amortized for a specified period, the expiration date shall be stated on the initial notice and each subsequent billing to the homeowner while the fee or charge is billed to the homeowner.

(f) *Nothing in this section shall require management to refund, reduce, or otherwise change any fee or charge billed by management to a homeowner as of December 31, 2012.*

~~SECTION 1. Section 798.29 of the Civil Code is amended to read:~~

~~798.29. The management shall post a mobilehome ombudsman sign provided by the Department of Housing and Community~~

- 1 Development, pursuant to Section 18253.5 of the Health and Safety
- 2 Code.

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